**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.41 OF 2006
IN
FAMILY COURT APPEAL NO.19 OF 2006

| Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
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Mrs.Neeta Karnik for the applicant.
Ms.Smita Kadu for the respondent.

**CORAM: SMT.RANJANA DESAI &**
**D.B.BHOSALE, JJ.**
**DATED: 3RD MARCH, 2006.**

**P.C.**:

. This civil application is filed by the appellant-wife, who is original petitioner in Marriage Petition "A" No.784 of 2004. The petition was filed for divorce 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act, 1955. The petition was dismissed and the petitioner was directed to pay cost of Rs.2,500/-. The appeal has been admitted by us. In this civil application the applicant has, inter alia, prayed that the respondent be directed to pay permanent alimony of Rs.10,000/- per month to the applicant and Rs.6,000/- per month towards the interim maintenance under section 24 of the Hindu Marriage Act. She has also

prayed for cost of the proceedings. We have heard learned counsel for the parties. In our opinion, the order directing the petitioner-applicant to pay cost of Rs.2,500/- will have to be stayed and we stay it accordingly. So far as the maintenance allowance is concerned, we find that during the pendency of the petition the respondent was directed to pay to the petitioner Rs.3,500/- per month. Admittedly, the custody of child is with the respondent. It appears that the child is ailing and the medical expenses are also borne by the respondent-husband. In the circumstances of the case and without expressing any opinion on the merits of the case, in our opinion, interest of justice will be served if the respondent is directed to pay Rs.2,500/- per month to the applicant till such time as the appeal is heard and finally disposed of. The amount will be paid with effect from date of the civil application. The arrears, if any, must be cleared by the respondent within two weeks from today. Civil application is disposed of.

(D.B.Bhosale,J.)  (Smt.Ranjana Desai,J.)